

## CHAPTER 6

# DRIVER LICENSE SUSPENSION, REVOCATION AND INVALIDATION

A licensed driver can lose his or her driving privileges for violating traffic regulations and other laws of this state. This article summarizes the ways in which driving privileges can be lost. DRIVING A MOTOR VEHICLE IN THE STATE OF INDIANA IS A **PRIVILEGE** AND NOT A RIGHT!

### **MANDATORY COURT-ORDERED SUSPENSIONS**

Indiana law gives courts the authority to order the BMV to suspend a person's driver license when he or she is found to have committed certain traffic violations. In most of these instances a minimum suspension period is required. A driver license gives you the privilege to operate a vehicle in a legal manner; it can be taken away if you do not abide by Indiana traffic laws.



- **License Suspension for Operating a Vehicle While Intoxicated**

Motorists in Indiana agree to submit to a chemical test (commonly known as a Breathalyzer test) to determine the amount of alcohol in his or her bloodstream. Driving while intoxicated or with a blood-alcohol content ("BAC") in excess of the legal limit is a criminal offense and will have an immediate and significant effect on your privilege to operate a motor vehicle. A sobering fact about alcohol: It is not what you drink, it's how much. A 12-ounce can of beer, a 5-ounce glass of wine and a cocktail with 1.5 ounces of 80 proof distilled spirits all contain the same amount of alcohol.

**NOTE:** *Indiana law requires the BMV to suspend an individual for life if the person is convicted of two offenses for DWI involving death.*

- **Refusal to Submit to Breathalyzer Test**

A person who refuses to submit to a breathalyzer test conducted by a law enforcement officer will have his or her license immediately confiscated and will face a license suspension of up to one year.

- **Failure of Breathalyzer Test**

If a person submits to the breathalyzer test, that person's driving privileges may be suspended for a period of up to 180 days upon receipt by the BMV of an affidavit from the law enforcement officer submitted to the court containing the results of the failed test.

- **Post-Conviction Suspensions**

The suspensions discussed above are pre-conviction license suspensions. When a person is convicted of operating a motor vehicle while intoxicated or with a BAC of 0.08% or

**more the court is required to suspend the driver license for at least 90 days or up to two years.** The suspension periods are longer for repeat offenders. Even if a person is a first-time offender and the local courts defer the conviction, the 90 day suspension is mandatory.

- The court may, if the person is not a repeat offender and is otherwise eligible, stay the execution of the post-conviction suspension and issue an order for a probationary license granting limited driving privileges. A person must be suspended for at least 30 days before the probationary driving privileges can take effect. The court may require the installation of an ignition interlock device, which mechanically tests the driver's BAC level before his or her car can be started, as a condition of the probationary license.
- If the driver license is suspended upon conviction of a major offense, in order to be reinstated, the driver must submit proof of high-risk insurance (SR-22 filing) to the BMV, from an insurance agent. This filing provides that the driver has an auto liability policy in effect that cannot be cancelled without prior notice.

**NOTE:** *Financial Responsibility (SR-22) insurance is mandatory for three years after the end of the suspension. If the BMV receives a cancellation notice or does not have a current SR-22 on file at any time during the three year period after reinstatement, the person's driving privileges will become suspended again.*

- **Driving While Suspended:** If you are convicted of driving while suspended, the violation carries a mandatory minimum suspension of 90 days and not more than two years, which runs concurrently with any current suspensions.
- **Miscellaneous Criminal Acts in an Automobile:** In addition to the suspensions noted above, Indiana law mandates minimum license suspension periods for acts such as criminal recklessness and criminal mischief in an automobile as well as more serious offenses such as involuntary manslaughter and reckless homicide.
- **Court-Ordered Suspensions:** In addition to license suspensions mandated under Indiana law, judges have the authority to suspend a driver for a period of up to one year upon conviction for a moving offense.
- **Suspension for Juvenile Offenses of Operating while Intoxicated: Upon** the issuance of a citation for an offense in violation of the Operating-While-Intoxicated laws for the State of Indiana (IC 9-30-5), the juvenile court shall recommend the suspension of the driving privilege of the child alleged to have committed the offense.

Upon the determination by juvenile court that a child is a delinquent child due to the commission of a delinquent act in violation of the Operating- While-Intoxicated laws for the State of Indiana (IC 9-30-5), the juvenile court shall recommend the suspension of the driving privileges of the delinquent child.

- **Emergency Vehicle, Stationary Recovery Vehicle, and Stationary Highway Maintenance Vehicle:** Upon the immediate approach of an authorized emergency vehicle, **giving an audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a driver must do the following unless otherwise directed by a law enforcement officer:**
  - Yield the right of way.
  - Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.
  - Stop and remain in the position until the authorized emergency vehicle has passed.

Upon approaching a **stationary authorized emergency vehicle, a stationary recovery vehicle or a stationary highway maintenance vehicle**, giving a signal displaying alternately flashing lights, a person who drives an approaching vehicle must:

- Proceed with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the stationary vehicle, if possible, with due regard to safety and traffic conditions; if on a highway, at least four lanes with no less than two lanes proceeding in the same direction as the approaching vehicle; or
- Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

Upon receiving a record of judgment entered against a person for failure to adhere to the provisions set forth above, the BMV shall suspend the person's driving privileges for a mandatory period in accordance with the recommendation of the court that entered the judgment.

## **FAILURE TO APPEAR OR TO PAY FOR TRAFFIC OFFENSES**

Failing to respond to the issuance of a citation by a law enforcement officer for speeding or other offenses or not paying for tickets after a judgment has been entered will lead to the suspension of your driving privileges. Upon receipt of a certification from a court that a person has not appeared or paid for a traffic offense, the BMV is required to suspend that person's driving privileges. The suspension is indefinite and ends only when the person has either appeared or paid for the offense, and provides proof of disposition to the BMV.

## **HABITUAL TRAFFIC VIOLATORS**

Indiana's Habitual Traffic Violator law provides serious penalties for persons who have committed repeat traffic offenses over a ten year period. The BMV will use the criteria listed below to determine if a driver qualifies as a Habitual Traffic Violator.

### **Qualifying as a Habitual Traffic Violator:**

A habitual traffic violator is any person who, within a ten year period, is convicted of the number and type outlined below:

#### **A. Two Major Offenses Resulting in Injury or Death (Ten Year Suspension), Including:**

- reckless homicide resulting from operating a motor vehicle;
- voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
- a driver involved in an accident that results in death or injury who fails to stop at the scene of the accident and provide the required information and assistance;
- operating a motor vehicle while intoxicated resulting in death;
- operating a motor vehicle with a BAC of 0.08% or more resulting in death.

#### **B. Three Major Offenses (Ten Year suspension), Including:**

- driving while intoxicated or with a BAC of 0.08% or more;
- driving while suspended, when the suspension was the result of a criminal act involving a motor vehicle;
- operating a motor vehicle without ever having obtained a license to do so;
- reckless driving;
- criminal recklessness involving the operation of a motor vehicle;
- drag racing or engaging in a speed contest in violation of the law;
- leaving the scene of an accident or failing to make an accident report;
- any felony under the Indiana motor vehicle statutes or any felony in the commission of which a motor vehicle is used;

- any of the offenses listed in section “A” as noted.

**C. Ten Moving Violations, One of which is a Major Offense Listed in section “A” or “B” as noted:**

The BMV will suspend a person’s driver license for five years if that person accumulates ten moving violations in a ten-year period, one of which is a major offense listed in subsection a. or b. For example, a person with nine speeding tickets and one reckless driving conviction in a ten-year period will be subject to a five year suspension as a habitual traffic violator.

**Operating a Vehicle while Suspended as a Habitual Traffic Violator**

Operating a vehicle while suspended as a habitual traffic violator is a **FELONY**, the most serious type of criminal offense. Indiana law requires that, upon receiving a conviction for operating a vehicle while suspended as a habitual traffic violator, the BMV must suspend the person’s driving privileges for life or as ordered by the court.

**FAILURE TO MEET AUTOMOBILE LIABILITY INSURANCE REQUIREMENTS**

Driving without a valid liability insurance policy in effect on the vehicle you are operating is against the law. Thousands of Indiana residents suffer bodily injuries or property damages yearly caused by persons without insurance coverage on their vehicles. All of us pay more for insurance to cover the risk of being injured or suffering property damage caused by an uninsured motorist. To attempt to deter uninsured motorists, Indiana law provides the following sanctions for operating a vehicle without the proper insurance:

- **No Insurance**  
A person who operates a vehicle without an automobile liability insurance policy in effect is subject to a 90 day driver license suspension or a one year suspension if it is a repeat violation in a three year period. In order to obtain a reinstatement of the license, the person must pay a reinstatement fee of \$150, \$225, or \$300 depending on whether it is a first, second, third or subsequent offense, and provide current proof of insurance signed by an agent or representative of the insurance company.

- **When Proof of Insurance Coverage Must be Provided**

Operating a vehicle without insurance coverage is a Class A infraction. In addition, a person appearing in court on a traffic violation may be requested to prove he or she had insurance coverage on the date of the offense. This occurs in two types of instances:

**“A” After an Accident**

All accident information sent to the state police is sent to the BMV. If the insurance information is not provided by the insurance company to state police, a request for proof of financial responsibility (i.e., automobile liability insurance) in the form of a “certificate of compliance” will be sent to the person’s address as shown on his or her official driving record. The person then must arrange for his or her insurance company agent to complete the information on the certificate and return the certificate to the BMV within 40 days. Failure to return the certificate of compliance as required will result in the license suspension described.

**“B” After Certain Moving Violations**

When the BMV receives a report from a court of a judgment or conviction for any moving violation for which points are assessed by the BMV. A certificate of compliance form is sent to the driver at the address shown on his or her official driving record in the following instances:

- when the BMV receives notification of a moving traffic violation and points are assessed, and the driver has at least two other moving traffic violations on which points were assessed within a twelve-month period;
- when the moving violation is a felony or a misdemeanor
- when the driver has been previously suspended for failure to carry the proper insurance. The driver has the same 40 day period to have the information completed and returned to the BMV to avoid the suspension of his/hers drivers license as previously described.

**NOTE: VERY IMPORTANT Keep Your Address Current with the BMV:**

The BMV sends requests for proof of insurance to thousands of drivers each year. **You are required by law to notify the BMV if you move and change your address.** More importantly, it just makes good sense so that any official notice sent by the BMV reaches you. You can avoid needless driver license suspensions if you respond to any BMV notice within the specified time period. You may inform the BMV of a change in your mailing address by applying for an amendment to your driver license at your local license branch.

You may also submit this information in writing to the BMV by submitting proof of address change to:

Bureau of Motor Vehicles Driver Services Division  
Room N405 Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, Indiana 46204

### **LICENSE INVALIDATION FOR DROPPING OUT OF SCHOOL OR FOR RECEIVING A SUSPENSION OR EXPULSION FROM SCHOOL**

Indiana law requires school principals to notify the BMV to invalidate the driver license of a person under the age of 18 who:

- is under an expulsion, exclusion or second suspension from school;
- has withdrawn from school (unless due to financial hardship);
- has been determined to be a habitual truant.

The license shall remain invalid for expulsions, exclusions, and suspensions for at least 120 days, or in the event of a habitual truancy or withdrawal from school, until the individual turns 18 or the student has re-enrolled in school and is in good standing.

### **ACCUMULATION OF TRAFFIC OFFENSES (EXCESSIVE “POINTS” ON THE DRIVING RECORD)**

- The BMV Driver Improvement Safety Responsibility Division (DISR): The DISR division identifies individuals who accumulate a number of moving violations in a short period of time. The BMV has rules to assess a point value for each conviction of a moving violation under Indiana law. The point value relates to the seriousness of the offense in posing a risk to traffic safety. Point values for offenses range from two) to eight points, depending on the violation. For example, a speeding offense fewer than 15 miles an hour over the posted limit is a two point violation, while a conviction for operating while intoxicated is an eight point violation. Points stay active on your driving record, for two years from the conviction date of the citation.
- The Administrative Hearing: Drivers who accumulates 18 or more active points during a two year period will be notified and required to attend an administrative hearing. At the hearing, the presiding officer will make a determination whether to place the driver on probation;



suspend the person's driving privileges for a period of not less than thirty (30) days up to the maximum one (1) year; or impose additional requirements beyond the order of probation or suspension such as requiring attendance at a BMV approved driving improvement program.

- **Failure to Appear for Administrative Hearing:** If you fail to appear for the administrative hearing at the time and place designated, the hearing will be held in your absence. The administrative hearing officer will make the decision of the action to be rendered in your case.

## **BUREAU OF MOTOR VEHICLES DRIVER IMPROVEMENT PROGRAM:**

The BMV has a driver improvement program that includes a defensive driving curriculum that provides either a classroom option or a home study option.

### **When Required:**

- **By a Court:** A judge has the authority to order a driver who commits a traffic violation to attend a driver safety course. A judge may decide to use this requirement as an alternative to license suspension.
- **By the BMV:** Any person who, within a 12-month period is convicted of two or more traffic offenses that result in convictions will be required by the BMV to attend a BMV-approved driver improvement program. Failure to complete the course or pay the fee within the specified time period will result in suspension of the individual's driving privileges.

## **THE BUREAU OF MOTOR VEHICLE HAS AUTHORIZED A LIMITED SELECTION ON TRAFFIC SAFETY INSTRUCTION COMPANIES TO**

teach their BMV approved Driver Improvement Program for the citizens of Indiana to qualify for the four point credit provision. To obtain the contact information regarding the names of the BMV approved Driver Improvement Program (DIP) vendors you may contact the BMV at (317) 233-6000 option #1 or you may access the BMV website at [www.bmvexpress.IN.gov](http://www.bmvexpress.IN.gov).

**NOTE:** Be sure the company you chose is a BMV approved Driver Improvement Program vendor.

- Successful completion of a Driver Improvement Program (DIP) with a BMV approved company will update your driving record with a four point credit.
- A maximum fee for **any** BMV approved format is \$45.00.
- Allow seven to ten working days for completion results to be processed.

Please make check or money order payable to the company that is selected. Do not send payments to the BMV.

### **Voluntary Programs:**

- **Standard Driver Improvement Program Course:** Any person may sign up for the BMV approved driver improvement program. The program provides an excellent summary of defensive driving techniques and is a useful refresher course for drivers. As an incentive to those who have completed the course, a four point credit will appear on their Indiana driving record for a period of three years.
- **For More Information:** To obtain information concerning the programs described, contact the BMV driver improvement program's department at (317) 233-6000 option #1 or visit the BMV Web site at [www.bmvexpress.IN.gov](http://www.bmvexpress.IN.gov). To enroll in a driver improvement program course, please contact one of the companies listed.

## **FAILURE TO COMPLETE A MANDATORY DRIVER IMPROVEMENT PROGRAM COURSE:**

The driving privileges of a person who is ordered by a court to complete a BMV approved driver improvement program or who is required to complete the program because of committing, within a 12-month period, two or more traffic offenses which result in convictions, will be suspended if the individual does not complete the course in the time required by the BMV. Failure to complete the course or pay the course fee will result in the suspension of the person's driver license.

Notification of the driver improvement program requirement is made through the mail. If you move, you must change your address with the BMV so that a notification can reach you to avoid license suspension.

### **Listed below are examples of violations and the corresponding point values.**

(Points may vary for speeding violations)

Where speed indicated:

1 – 15 mph over the limit	2 point violation
16 – 25 mph over the limit	4 point violation
26 – plus over limit	6 point violation
Fail to use headlights	2 point violation
No brake or signal lights	2 point violation
Disregard stop/yield sign	6 point violation
Fail to yield to emergency vehicle.	8 point violation
Improper U-turn	4 point violation
Following too closely	6 point violation
Unsafe lane movement	4 point violation
Failure to yield	6 point violation
Speed contest on road	8 point violation
Improper MC headgear	4 point violation
Improper MC passenger	4 point violation
Driving While Suspended (DWI)	8 point violation

## **WRITING A BAD CHECK TO THE BUREAU OF MOTOR VEHICLES**

As provided for in Indiana law, the BMV will suspend indefinitely the driver license of a person who writes a check to pay the fee for any BMV service that is not honored by the issuer's bank. To obtain reinstatement of the license the person will have to pay the amount of the check plus a \$20 administrative fee and a five percent check deception charge.

## **LICENSE SUSPENSION FOR OPERATING A WATERCRAFT WHILE INTOXICATED OR OTHER WATERCRAFT OFFENSES**

Operating a watercraft while intoxicated is no less dangerous and illegal than operating a motor vehicle while intoxicated. Upon a conviction for operating a watercraft while intoxicated, a person's driver license will be suspended for the same minimum and maximum periods that are provided for operating a vehicle while intoxicated. This conviction will be forwarded to the BMV for the suspension to take effect and the conviction will become a part of the motorist's driving record. Other crimes related to the operation of a watercraft, such as reckless operation endangering the safety of others and operating a watercraft when a person's driving privileges have been suspended, will also be forwarded to the BMV.

## **LICENSE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT**

Non-custodial parents, unwilling to make required child support payments, may now be subject to suspension of their driver license. A non-paying parent's license can be suspended in two ways:

- **Court-Ordered Suspension:**  
A court that has determined that a parent is intentionally withholding child support payments may order the BMV to immediately suspend the non-paying parent's driver license indefinitely until the parent begins making payments satisfactory to the court.
- **Administratively-Ordered Suspension:**  
If the local agency responsible for the administration of enforcing child support payments determines that a parent is more than three months or \$2,000 behind in child support that agency may send an order to the BMV requiring that the non-paying parent's driver license be suspended indefinitely in 20 days. Unless, in that 20-day period, the parent pays the unpaid amounts, arranges to have an amount automatically withheld from his or her paycheck, or contests whether he or she is in fact delinquent in child support payments.

## **LICENSE SUSPENSION FOR GRAFFITI**

The driving privileges of a person convicted of the act of making graffiti may be suspended, at the discretion of the court, for a period of up to one year.

## **OTHER REASONS FOR SUSPENSION**

The Bureau of Motor Vehicles may suspend or invalidate driver license and/or permits, registration certificates or license plates upon any reasonable grounds that comes to the attention of the BMV.